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March 21, 2025

Re: Support for HB 5031

Dear Co-Chair Broadman, Co-Chair Evans, and Members of the Joint Committee on Public Safety:

My name is Caitlin Plummer, and I am the Executive Director at Public Defender Services of Lane County, a nonprofit office and the primary provider of public defense services in Lane County. My office has been providing public defense services since 1977, and I have worked in public defense for 13 years. I am also a member of Public Defenders of Oregon.

The experience of Lane County over the last several years shows that the answer to this unrepresented crisis is not to force public defenders to take more cases. It is precisely the opposite. The attorneys in my office are hard-working, dedicated, and handle hundreds of cases every month. They are working long hours, visiting their clients in jail on the weekend, and making sacrifices in their personal lives to do this work. But they are not working any harder, taking any more cases, or making more sacrifices than nonprofit public defenders in other counties. And yet, we have no crisis.

Fundamentally, this is because the demand for public defenders is roughly equal to the supply in Lane County. In 2022, demand for public defense services in Lane began to decline because of staffing shortages at the District Attorneys office. At the same, investments by the legislature in 2022 allowed my office to add six new attorney positions. These changes allowed our county to reach an equilibrium where public defenders could provide constitutionally effective counsel without being burned out by excessive caseloads.

An efficient docketing system has also helped us maintain balance in Lane County. As well as positive working relationships between my office, the court, and the local defense consortium, that have helped foster collaborative problem-solving. All of this has meant manageable caseloads in my county, and a directly related ability to retain attorneys.

That retention has been bolstered by the legislature's investments in training and supervision at nonprofit offices. With that investment, we were able to create new systems in our office to more effectively onboard new attorneys, help attorneys advance efficiently in their ability to take more serious cases, and give our attorneys the tools they need to provide constitutionally effective representation. All of which further the ability to attract and retain attorneys.

The situation in Lane County can be replicated in other counties—with an emphasis on increasing the supply of public defenders, and on reducing the demand through smarter charging practices and alternatives to prosecution. Together these will create manageable caseloads and a healthy system.

Manageable caseloads are one critical way to maintain the public defense workforce. The second critical component is competitive compensation. As you know, there are significant pay disparities within the public defense workforce, especially between contracted providers and the attorneys at the OPDC Trial Division. This disparity is demoralizing for non-profit attorneys. We have created two-classes of public defenders in this state – compensating one significantly more for doing the same, or even less work. This is not a marker of a healthy system.

Our concerns around the already significant pay inequities were amplified when the Governor's Recommended Budget included no COLA increase for contracted providers. This would amount to an effective pay cut to our already unequal pay, and a real threat to our ability to keep our doors open given inflation and rapidly rising insurance costs. We are encouraged to know that this is now under review, and we would urge the legislature to ensure we are given the inflationary increases included in the current service level budget.

Fundamentally, I urge the legislature to create a fair, balanced and healthy system. Where supply of public defenders equals the demand, where caseloads are manageable, and where contracted public defenders – the front lines of our entire public defense system – are not compensated as second-tier attorneys.

Thank you for your continued commitment to public defense, and to ensuring that all Oregonians have an attorney available to protect their rights.

Sincerely,

Caitlin Plummer